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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on the 19th January, 1976:—

BILL NO. 14 OF 1976

A Bill to provide for the acquisition and transfer of the right, title and interest of the Assam Sillimanite Limited in respect of its Refractory Plant and for matters connected therewith or incidental thereto.

WHEREAS it is urgently necessary to augment the supplies of refractories to meet the essential requirements of the iron and steel industry;

AND WHEREAS for the said purpose, a licence to set up a refractory plant was granted to the Assam Sillimanite Limited under the Industries (Development and Regulation) Act, 1951; 65 of 1951.

AND WHEREAS in pursuance of the licence granted to it, the Assam Sillimanite Limited had imported machinery from abroad and commenced the construction of the first stage of its Refractory Plant but the project of the said company did not proceed beyond the first stage on account of financial and other difficulties, and the pilot Refractory Plant, which was constructed by the said company, has been closed;

AND WHEREAS special type of refractories, including high alumina refractories, needed by the iron and steel industry may be manufactured at the Refractory Plant of the Assam Sillimanite Limited and such manufacture will enable the country to progressively reduce the import of such special type of refractories;

AND WHEREAS for the purpose of speedily bringing the Refractory Plant of the Assam Sillimanite Limited into operation, the management of the said Refractory Plant was taken over, for a limited period by the Central Government under section 18AA of the Industries (Development and Regulation) Act, 1951; 65 of 1951.

AND WHEREAS for the purpose of augmenting the supplies of refractories to meet the essential requirements of the iron and steel industry, it is necessary to acquire the right, title and interest of the Assam Sillimanite Limited in respect of its Refractory Plant;

BE it enacted by Parliament in the Twenty-sixth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title.

1. This Act may be called the Assam Sillimanite Limited (Acquisition and Transfer of Refractory Plant) Act, 1976.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "appointed day" means the day on which this Act comes into force;

(*b*) "Commissioner" means the Commissioner of Payments appointed under section 14;

(*c*) "Company" means the Assam Sillimanite Limited, being a company as defined in the Companies Act, 1956 and having its registered office at Gauhati in the State of Assam; 1 of 1956.

(*d*) "Refractory Plant" means the refractory manufacturing plant, owned by the Company, situated near Ramgarh in the State of Bihar;

(*e*) "specified date" means such date as the Central Government may, by notification in the Official Gazette, specify in relation to any provision of this Act and different dates may be specified in relation to different provisions of this Act;

(*f*) words and expressions used herein and not defined but defined in the Companies Act, 1956 have the meanings respectively assigned to them in that Act. 1 of 1956.

CHAPTER II

ACQUISITION OF THE REFRACTORY PLANT

Refractory Plant to vest in the Central Government.

3. On the appointed day, the Refractory Plant shall, by virtue of this Act, stand transferred to, and the right, title and interest of the Company in relation to its Refractory Plant shall vest absolutely in, the Central Government.

Power of Central Government to direct vesting of the Refractory Plant in a Government company.

4. (*1*) Notwithstanding anything contained in section 3, the Central Government may, if it is satisfied that a Government company is willing to comply, or has complied, with such terms and conditions as that Government may impose, direct, by an order in writing, that the right, title and interest of the Company in relation to the Refractory Plant shall, instead of continuing to vest in the Central Government, vest in the Government company either on the date of publication of the direction or on such earlier or later date (not being a date earlier than the appointed day) as may be specified in that direction.

(2) Where an order for vesting of the Refractory Plant in a Government company is made under sub-section (1), all the rights and obligations of the Central Government in relation to the Refractory Plant shall, on and from the date of such vesting, be deemed to have become the rights and obligations, respectively, of the Government company.

(3) The Government company shall, in the management and administration of the Refractory Plant, act in accordance with such directions, if any, as may be issued by the Central Government in this behalf.

(4) The Government company may also apply to the Central Government at any time for instructions as to the manner in which the management of the Refractory Plant shall be conducted or in relation to any matter arising in the course of such management.

General effect of vesting.

5. (1) The Refractory Plant shall be deemed to include all assets, rights, powers, authorities and privileges and all property, movable and immovable (not being any mining lease held by the Company before the appointed day), cash balances, cash on hand, reserve funds, investments, book debts and all other rights and interests in, or arising out of, such property as were immediately before the appointed day, in the ownership, possession, power or control of the Company, whether within or outside India, and all books of account, registers and all other documents of whatever nature relating thereto and shall also be deemed to include the liabilities and obligations specified in sub-section (2) of section 8.

(2) All property as aforesaid which have vested in the Central Government under section 3 shall, by force of such vesting, be freed and discharged from any trust, obligation, mortgage, charge, lien and from all other incumbrances affecting it, and any attachment, injunction or decree or order of any court restricting the use of such property in any manner or appointing any receiver in respect of the whole or any part of such property shall be deemed to have been withdrawn.

(3) Every mortgagee of any property which has vested under this Act in the Central Government and every person holding any charge, lien or other interest in or, in relation to, any such property shall give, within such time and in such manner as may be prescribed, an intimation to the Commissioner of such mortgage, charge, lien or other interest.

(4) For the removal of doubts, it is hereby declared that the mortgagee of any property referred to in sub-section (2) or any other person holding any charge, lien or other interest in, or in relation to, any such property shall be entitled to claim, in accordance with his rights and interests, payment of the mortgage money or other dues, in whole or in part, out of the amount specified in relation to such property in section 9, but no such mortgage, charge, lien or other interest shall be enforceable against any property which has vested in the Central Government or the Government company.

(5) If, on the appointed day, any suit, appeal or other proceeding of whatever nature in relation to any matter specified in sub-section (2) of section 8, instituted or preferred against the Company is pending, the same shall not, in so far as it relates to the Refractory Plant, abate, be discontinued, or be, in any way, prejudicially affected by reason of transfer of the Refractory Plant or of anything contained in this Act, but

the suit, appeal or other proceeding may be continued, prosecuted and enforced by or against the Central Government or the Government company, as the case may be.

Duty to deliver possession of the Refractory Plant and documents relating thereto.

6. (*1*) Every person, in whose possession or custody or under whose control the Refractory Plant or any part thereof or any machinery, instrument or other movable asset forming part of the Refractory Plant, may be immediately before the appointed day, shall forthwith deliver possession of the Refractory Plant or such part, machinery, instrument or other asset, as the case may be, to the Central Government or the Government company or to such person or body of persons as the Central Government or the Government company may specify in this behalf.

(*2*) Every person who has, on the appointed day, in his possession or under his control any books, documents or other papers relating to the Refractory Plant which has vested in the Central Government or a Government company under this Act, and which belong to the Company or would have so belonged if the Refractory Plant had not vested in the Central Government or the Government company, shall be liable to account for the said books, documents and other papers to the Central Government or the Government company, as the case may be, and shall deliver them up to the Central Government or the Government company or to such person or body of persons as the Central Government or the Government company may specify in this behalf.

(*3*) The Central Government may take or cause to be taken all necessary steps for securing possession of the Refractory Plant which has vested in it under section 3.

Duty to furnish particulars.

7. The Company shall, within such period as the Central Government may allow in this behalf, furnish to that Government a complete inventory of all the properties and assets of the Company as on the appointed day, pertaining to the Refractory Plant which has vested in the Central Government under section 3, and for this purpose the Central Government or the Government company shall afford the Company all reasonable facilities.

Company to be liable for certain prior liabilities.

8. (*1*) Every liability, other than the liability specified in sub-section (*2*), of the Company in relation to the Refractory Plant, in respect of any period prior to the appointed day, shall be the liability of the Company and shall be enforceable against it and not against the Central Government or the Government company.

(*2*) **Any liability in respect of—**

(*a*) **the amounts advanced to the Company (after the management of the Refractory Plant had been taken over by the Central Government) by the Hindustan Steel Limited (a company formed and registered under the Companies Act, 1956), together with interest due thereon;** 1 of 1956

(*b*) **wages, salaries and other dues of employees of the Refractory Plant, in respect of any period after the management of such plant had been taken over by the Central Government,**

shall, on and from the appointed day, be the liability of the Central Government and shall be discharged by that Government or, for and on behalf of that Government, by the Government company, as and when repayment of such amount becomes due or as and when such wages, salaries and other dues become due and payable.

(3) For the removal of doubts, it is hereby declared that,—

(a) save as otherwise expressly provided in this section or in any other section of this Act, no liability other than the liability specified in sub-section (2) in relation to the Refractory Plant, in respect of any period prior to the appointed day shall be enforceable against the Central Government or the Government company, as the case may be;

(b) no award, decree or order of any court, tribunal or other authority in relation to the Refractory Plant, passed after the appointed day in respect of any matter, claim or dispute in relation to any matter, not being a matter referred to in sub-section (2), which arose before that date, shall be enforceable against the Central Government or the Government company, as the case may be;

(c) no liability incurred by the Company before the appointed day, for the contravention, in relation to the Refractory Plant, of any provision of law for the time being in force, shall be enforceable against the Central Government or the Government company, as the case may be.

CHAPTER III

PAYMENT OF AMOUNT

Amount to be paid for transfer and vesting of Refractory Plant.

9. (1) The Company shall be given by the Central Government in cash and in the manner specified in Chapter VI, an amount of one crore seven lakhs and seventeen thousand rupees for the transfer to, and vesing in, it, under section 3 of the Refractory Plant.

(2) The amount payable under sub-section (1) shall carry simple interest at the rate of four per cent. per annum for the period commencing on the appointed day and ending on the date on which payment of such amount is made by the Central Government to the Commissioner.

(3) For the removal of doubts, it is hereby declared that the liabilities of the Company in relation to the Refractory Plant, other than those referred to in sub-section (2) of section 8, shall be met from the amount referred to in sub-section (1), in accordance with the rights and interests of the creditors of the Company.

Payment of other amount.

10. (1) In addition to the amounts specified in section 9, there shall also be given to the Company, in cash, by the Central Government an amount computed at the rate of rupees two thousand and five hundred per mensem for the deprivation of the Company of the management of its Refractory Plant during the period commencing on the 2nd day of November, 1972, and ending on the appointed day.

(2) In addition to the amount referred to in sub-section (1), there shall be given by the Central Government, in cash, to the Company, simple interest at the rate of four per cent per annum on the amount computed at the rate specified in sub-section (1), for the period commencing on the appointed day and ending on the date on which payment of such amount is made by the Central Government to the Commissioner.

CHAPTER IV

MANAGEMENT, ETC., OF REFRACTORY PLANT

Management, etc., of Refractory Plant.

11. On the commencement of this Act, the general superintendence, direction, control and management of the affairs and business of the Refractory Plant shall,—

(*a*) where a direction has been made by the Central Government under section 4, vest in the Government company specified in such direction, or

(*b*) where no such direction has been made, vest in such person or body of persons as may be appointed by the Central Government in this behalf,

and thereupon the Government company so specified or the person or body of persons so appointed, as the case may be, shall be entitled to exercise all such powers and do all such things as the Company is authorised to exercise and do in relation to the Refractory Plant.

CHAPTER V

PROVISIONS RELATING TO EMPLOYEES OF REFRACTORY PLANT

Employment of employees to continue.

12. (*1*) Every person, who has been, immediately before the appointed day, employed by the Company, shall, if employed in connection with the Refractory Plant, become, as from the appointed day, an employee of the Central Government or the Government company in which the Refractory Plant has vested, as the case may be, and shall hold his office or service therein by the same tenure, on the same remuneration and upon the same terms and conditions and same rights and privileges as to pension and gratuity and other like matters as he would have held the same under the Company if the Refractory Plant had not vested in the Central Government or the Government company, and shall continue to do so unless and until his employment in the Central Government or the Government company is duly terminated or until his remuneration, terms and conditions of employment are duly altered by the Central Government or the Government company, as the case may be.

(*2*) Notwithstanding anything contained in the Industrial Disputes Act, 1947, or in any other law for the time being in force, the transfer of the services of any employee of the Company to the Central Government or the Government company shall not entitle such employee to any compensation under this Act or under any other law for the time being in force and no such claim shall be entertained by any court, tribunal or other authority. 14 of 1947.

(*3*) Where, under the terms of any contract of service or otherwise, any person, whose services become terminated or whose services become transferred to the Central Government or a Government company by reason of the provisions of this Act, is entitled to arrears or salary or wages or any payment for any leave not availed of or other payment, not being payment by way of gratuity or pension, such person may, except to the extent such liability has been taken over by the Central Government under sub-section (*2*) of section 8, enforce his claim against the Company but not against the Central Government or the Government company.

Provident and other funds.

13. (*1*) Where the Company has established a provident fund, superannuation, welfare or other fund for the benefit of the persons employed in the Refractory Plant, the monies relatable to the employees whose services have become transferred by or under this Act to the Central Government or a Government company shall, out of the monies standing, on the appointed day, to the credit of such provident fund, superannuation, welfare or other fund, stand transferred to, and vested in, the Central Government or the Government company, as the case may be.

(*2*) The monies which stand transferred, under sub-section (*1*), to the Central Government or a Government company, shall be dealt with by that Government or Government company, as the case may be, in such manner as may be prescribed.

CHAPTER VI

COMMISSIONER OF PAYMENTS

Appointment of Commissioner of Payments.

14. (*1*) For the purpose of disbursing the amount payable to the Company, the Central Government shall, by notification in the Official Gazette, appoint such person as it may think fit to be the Commissioner of Payments.

(*2*) The Central Government may appoint such other persons as it may think fit to assist the Commissioner and thereupon the Commissioner may authorise one or more of such persons also to exercise all or any of the powers exercisable by him under this Act, and different persons may be authorised to exercise different powers.

(*3*) Any person authorised by the Commissioner to exercise any powers may exercise those powers in the same manner and with the same effect as if they have been conferred on that person directly by this Act and not by way of authorisation.

(*4*) **The salaries and allowances of the Commissioner and other persons appointed under this section shall be defrayed out of the Consolidated Fund of India.**

Payment by the Central Government to the Commissioner.

15. (*1*) The Central Government shall, within thirty days from the specified date, pay, in cash, to the Commissioner, for payment to the Company, an amount equal to the amount specified in section 9 and shall also pay to the Commissioner such amounts as may be payable to the Company under sub-sections (*1*) and (*2*) of section 10.

(*2*) A deposit account shall be opened by the Central Government in favour of the Commissioner in the Public Account of India, and every amount paid under this Act to the Commissioner shall be deposited by him to the credit of the said deposit account in the Public Account of India, and thereafter the said deposit account shall be operated by the Commissioner.

(*3*) Interest accruing on the amount standing to the credit of the deposit account referred to in sub-section (*2*) shall enure to the benefit of the Company.

Priority of claims in relation to arrears of provident fund, etc.

16. (*1*) Out of the amount paid to him under sub-section (*1*) of section 15, the Commissioner shall deduct in the first instance, all sums equal to the amount of arrears due to the persons who were in employment of the Company, in connection with the Refractory Plant, on the 1st day of July, 1973,—

(*a*) in relation to a provident fund, pension fund or any other fund established for the welfare of such persons,

(*b*) as wages,

(*2*) All sums deducted under sub-section (*1*) shall, in accordance with such rules as may be made under this Act, be credited by the Commissioner to the relevant fund or paid by him to the persons to whom the said sums are due and on such credit or payment, the liability of the Company in respect of the amount of arrears due as aforesaid shall, to the extent of such credit or payment, stand discharged.

(*3*) Every deduction made under sub-section (*1*) shall have priority over all other debts, whether secured or unsecured.

Priority in relation to other claims

17. (*1*) Save as otherwise provided in section 16, every secured debt due from the Company shall have priority over all other debts and shall be paid in accordance with the rights and interests of the secured creditors:

Provided that where the secured debts are due to different creditors by reason of the hypothecation of different assets to them, such debts shall be repaid in full in accordance with the rights and interests of such creditors, unless the balance of the amount left after meeting the liabilities referred to in section 16 is insufficient to meet them, in which case they shall abate in equal proportions and be paid accordingly.

(*2*) Notwithstanding anything contained in any other law for the time being in force, there shall be paid in priority to all other unsecured debts,—

(*a*) all revenues, taxes, cesses, rates and any other dues payable immediately before the appointed day, to the Central Government, State Governments, local authorities and State Electricity Boards in relation to the Refractory Plant, as the case may be;

(*b*) all amounts due in respect of any compensation or liability for compensation under the Workmen's Compensation Act, 1923, in respect of the death or disablement of any employee of the Company in relation to the Refractory Plant, unless the Company has, under such a contract with insurers as is mentioned in section 14 of the said Act, rights capable of being transferred to, and vested in, the workmen; 8 of 1923.

(c) all sums deducted by the Company from the salary or wages of any employee of the Refractory Plant for credit to any provident fund or any other fund established for the welfare of the employees but not deposited to the credit of such funds.

(*3*) The debts specified in sub-section (*2*) shall rank equally among themselves and be paid in full, unless the balance of the amount left after meeting the liabilities referred to in section 16, and sub-section (*1*) of this section, is insufficient to meet them, in which case they shall abate in equal proportions and be paid accordingly.

Claims to be made to the Commissioner.

18. Every person having a claim against the Company in relation to the Refractory Plant shall prefer such claim before the Commissioner within thirty days from the specified date:

Provided that if the Commissioner is satisfied that the claimant was prevented by sufficient cause from preferring the claim within the said period of thirty days, he may entertain the claim within a further period of thirty days, but not thereafter.

Proof of claims.

19. (*1*) The Commissioner shall fix a certain date on or before which every claimant shall file the proof of his claim or be excluded from the benefit of the deductions or disbursements made by the Commissioner.

(*2*) Not less than fourteen days' notice of the date so fixed shall be given by advertisement in one issue of the daily newspaper in the English language and in one issue of such daily newspaper in the regional language as the Commissioner may consider suitable, and every such notice shall call upon the claimants to file the proof of their claims with the Commissioner within the time specified in the advertisement.

(*3*) Every claimant who fails to file the proof of his claim within the time specified by the Commissioner shall be excluded from the deductions or disbursements made by the Commissioner.

(*4*) The Commissioner shall, after such investigation as may, in his opinion, be necessary and after giving the Company an opportunity of refuting the claim and after giving the claimant a reasonable opportunity of being heard, in writing, admit or reject the claim in whole or in part.

(*5*) The Commissioner shall have the power to regulate his own procedure in all matters arising out of the discharge of his functions including the place or places at which he will hold his sittings and shall, for the purpose of making an investigation under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, while trying a suit, in respect of the following matters, namely:—

5 of 1908.

(*a*) the summoning and enforcing the attendance of any witness and examining him on oath;

(*b*) the discovery and production of any document or other material object producible as evidence;

(c) the reception of evidence on affidavits;

(*d*) the issuing of any commission for the examination of witnesses.

(*6*) Any investigation before the Commissioner shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code and the Commissioner shall be deemed to be a civil court for the purpose of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.

45 of 1860.

2 of 1974.

(7) A claimant who is dissatisfied with the decision of the Commissioner may prefer an appeal against the decision to the principal civil court of original jurisdiction within the local limits of whose jurisdiction the Refractory Plant is situated:

Provided that where a person who is a Judge of a High Court is appointed to be the Commissioner, such appeal shall lie to the High Court for the State in which the Refractory Plant is situated, and such appeal shall be heard and disposed of by not less than two Judges of that High Court.

Disbursement of money by the Commissioner to claimants.

20. Where, after meeting the claims admitted by him of secured creditors, and unsecured creditors having priority under sub-section (2) of section 17, the total amount of the claims of other unsecured creditors admitted by the Commissioner does not exceed the balance of the amount left after meeting the liabilities referred to in section 16, and sub-sections (*1*) and (*2*) of section 17, every admitted claim of such other unsecured creditors, shall rank equally among themselves and be paid in full, and the balance, if any, shall be paid to the Company; but where such amount is insufficient to meet in full the total amount of such admitted claims, all such claims shall abate in equal proportions and be paid accordingly.

Undisbursed or unclaimed amount to be deposited to the general revenue account.

21. Any money paid to the Commissioner which remains undisbursed or unclaimed for a period of three years from the first day on which the disbursement was made, shall be transferred by the Commissioner to the general revenue account of the Central Government; but a claim to any money so transferred may be preferred to the Central Government by the person entitled to such payment and shall be dealt with as if such transfer had not been made, the order, if any, for payment of the claim being treated as an order for the refund of the revenue.

CHAPTER VII

MISCELLANEOUS

Penalties.

22. Any person, who,—

(*a*) having in his possession, custody or control any property forming part of the Refractory Plant, wrongfully withholds such property from the Central Government or the Government company, as the case may be; or

(*b*) wrongfully obtains possession of, or retains any property forming part of, the Refractory Plant or wilfully withholds or fails to furnish to the Central Government or the Government company or any person or body of persons specified by that Government or the Government company, as the case may be, any document relating to such Refractory Plant which may be in his possession, custody or control or fails to deliver to the Central Government or the Government company or any person or body of persons specified by that Government or the Government company any assets, books of account, registers or other documents in his custody or control, relating to the Refractory Plant; or

(*c*) wrongfully removes or destroys any property forming part of the Refractory Plant or prefers any claim under this Act which he knows or has reasonable cause to believe to be false or grossly inaccurate,

shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to ten thousand rupees, or with both.

Offences by companies.

23. (*1*) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(*2*) Notwithstanding anything contained in sub-section (*1*), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(*a*) "company" means any body corporate and includes a firm or other association of individuals;

(*b*) "director", in relation to a firm, means a partner in the firm.

Act to have over-riding effect.

24. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act, or in any decree or order of any court, tribunal or other authority.

Protection of action taken in good faith.

25. (*1*) No suit, prosecution or other legal proceeding shall lie against the Central Government or any of its officers or other employees for anything which is in good faith done or intended to be done under this Act.

(*2*) No suit or other legal proceeding shall lie against the Central Government or any of its officers or other employees for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act.

Contracts to cease to have effect unless ratified by the Central Government or Government company.

26. (*1*) Every contract entered into by the Company in relation to the Refractory Plant for any service, sale or supply, and in force immediately before the appointed day, shall, on and from the expiry of one hundred and eighty days from the appointed day, cease to have effect unless such contract is, before the expiry of that period, ratified, in writing, by the Central Government or the Government company, and, in ratifying such contract, the Central Government or the Government company may make such alteration or modification therein as it may think fit:

Provided that a Government company shall not make any alteration or modification in a contract without the previous approval of the Central Government:

Provided further that the Central Government or the Government company shall not omit to ratify a contract, and shall not make any al-

teration or modification in a contract, unless it is satisfied that such contract is unduly onerous or has been entered into in bad faith or is detrimental to the interests of the Refractory Plant.

(2) The Central Government or the Government company shall not omit to ratify a contract, and, shall not make any alteration or modification therein, except after giving to the parties to the contract a reasonable opportunity of being heard and except after recording, in writing, its reasons for refusal to ratify the contract or for making any alteration or modification therein.

Delegation of powers.

27. (1) The Central Government may, by notification in the Official Gazette, direct that all or any of the powers exercisable by it under this Act may also be exercised by any person or persons as may be specified in the notification.

(2) Whenever any delegation of power is made under sub-section (1), the person to whom such power has been delegated shall act under the direction, control and supervision of the Central Government.

Power to make rules.

28. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the manner in which monies in any provident or other fund referred to in section 13 shall be dealt with;

(b) any other matter which is required to be, or may be, prescribed.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Power to remove difficulties.

29. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the appointed day.

Declaration as to the policy of the State.

30. It is hereby declared that this Act is for giving effect to the policy of the State towards securing the principles specified in clause (b) of article 39 of the Constitution.

Explanation.—In this section, "State" has the same meaning as in article 12 of the Constitution.

STATEMENT OF OBJECTS AND REASONS

Messrs. Assam Sillimanite Limited, a company registered under the Companies Act, 1956, was granted a licence in January, 1960, under the Industries (Development and Regulation) Act, 1951, to set up a refractory plant with a total production capacity of 46,000 tonnes of refractories per annum. The plant was to be set up in two stages. Although the company had a collaboration agreement with a foreign firm and plant and machinery were also imported from abroad, the project did not proceed beyond the first stage and even the first stage was not fully completed. The construction of the second stage was not taken up at all. Only a pilot refractory plant was started but even this was closed down by the company on the 28th June, 1972, throwing more than two hundred workers out of employment.

2. Special types of refractories, including high alumina refractories, needed by the steel industry, may be manufactured at the Refractory Plant of the Company and such manufacture would enable the country to progressively reduce the import of such special types of refractories. Accordingly, for the purpose of speedily bringing the Refractory Plant into operation, the management of the Refractory Plant was taken over by the Central Government under section 18AA of the Industries (Development and Regulation) Act, 1951, initially for a period of three years from 2nd November, 1972, which was subsequently extended by further one year. Hindustan Steel Limited, to which the management of the Refractory Plant was entrusted by the Central Government, has succeeded in bringing the pilot plant into full production. With a view to putting the available equipment to good use and augmenting the production of refractories, it is necessary, in the interests of the general public, to acquire the right, title and interest of Messrs. Assam Sillimanite Limited in respect of its Refractory Plant. The Bill seeks to achieve the said object.

NEW DELHI;
The 29th December, 1975.

CHANDRAJIT YADAV.

FINANCIAL MEMORANDUM

The Bill seeks to provide for the acquisition by the Central Government of the Refractory Plant of Messrs. Assam Sillimanite Limited. As a result of the proposed acquisition, the liabilities specified in sub-clause (2) of clause 8 of the Bill will have to be borne by the Central Government. The extent of the liability to be borne by the Central Government on this account is likely to be of the order of rupees forty-five lakhs.

Clause 9 of the Bill provides for payment by the Central Government, in cash, of an amount of rupees one crore, seven lakhs and seventeen thousand for the transfer to, and vesting in, it of the Refractory Plant of the Company. The said amount will carry simple interest at the rate of four per cent. per annum for the period commencing on the appointed day and ending on the date on which the payment of the amount is made by the Central Government to the Commissioner of Payments. Interest at the said rate is likely to be of the order of rupees one lakh and forty-three thousand.

Clause 10 of the Bill provides for payment of a further amount to the Company for the deprivation of the management of the Refractory Plant from the 2nd day of November, 1972, to the appointed day. The said amount will be calculated at the rate of rupees two thousand and five hundred per mensem. The amount will carry simple interest at the rate of four per cent. per annum for the period commencing on the appointed day and ending on the date on which the payment is made by the Central Government to the Commissioner of Payments. The estimated expenditure by reason of clause 10 of the Bill is likely to be of the order of rupees one lakh and four thousand.

Thus the total estimated non-recurring expenditure which will be involved if the Bill is enacted is likely to be of the order of rupees one crore, fifty-four lakhs and sixty-four thousand, out of which a sum of about rupees forty-five lakhs will be payable to Hindustan Steel Limited.

Clause 14 of the Bill provides for the appointment of a Commissioner of Payments. The estimated recurring expenditure with regard to the salaries and allowances of the Commissioner of Payments and his staff is likely to be of the order of rupees ten thousand per mensem.

The purposes of the acquisition of the Refractory Plant would be achieved only after the whole plant has been fully erected and suitably modified so as to enable the production of about thirty thousand tonnes per annum of high alumina and other specialised refractories for the use of the steel plants. The erection and modification of the Refractory Plant would involve an additional investment of the order of rupees six crores, but such expenditure will be incurred after due appropriation by Parliament by law.

The Bill, if enacted, is not likely to involve any other recurring or non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 28 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. The matters in respect of which rules may be made relate, among others, to the manner in which monies in any provident or other funds referred to in clause 13 shall be dealt with.

2. The matters in respect of which rules may be made are of administrative detail and procedure and it is not practicable to provide for them in the Bill itself. Delegation of the legislative power is, therefore, of a normal character.

BILL No. 19 OF 1976

A Bill to authorised payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1975-76.

BE it enacted by Parliament in the Twenty-sixth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Appropriation Act, 1976.

Issue of Rs. 3,09,09,22,000 out of the Consolidated Fund of India for the year 1975-76.

2. From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of three hundred and nine crores, nine lakhs and twenty-two thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1975-76, in respect of the services specified in column 2 of the Schedule.

Appropriation.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

THE SCHEDULE

(*See* sections 2 and 3)

1	2		3		
No. of Vote	Services and purposes		Sums not exceeding		
			Voted by Parliament	Charged on the Consolidated Fund	Total
			Rs.	Rs.	Rs.
1	Department of Agriculture	Revenue	10,00,000		10,00,000
2	Agriculture .	Capital	..	20,00,00,000	20,00,00,000
6	Department of Food	Revenue	17,55,000	..	17,55,000
7	Department of Rural Development .	Revenue	..	1,000	1,000
11	Ministry of Commerce	Revenue .	19,62,000	..	19,62,000
12	Foreign Trade and Export Production .	Revenue	1,16,04,000	..	1,16,04,000
		Capital	65,02,00,000	..	65,02,00,000
19	Defence Services—Army	Revenue	92,12,13,000	..	92,12,13,000
20	Defence Services—Navy	Revenue	5,15,11,000	..	5,15,11,000
21	Defence Services Air Force	Revenue	11,29,70,000	..	11,29,70,000
24	Department of Education .	Revenue	8,00,000	..	8,00,000
27	Ministry of Energy .	Revenue	89,000	..	89,000
28	Power Development .	Revenue	15,00,00,000	..	15,00,00,000
29	Coal and Lignite .	Revenue	50,00,000	..	50,00,000
		Capital	4,50,00,000	..	4,50,00,000
41	Other Expenditure of the Ministry of Finance .	Capital	3,12,50,000	..	3,12,50,000
52	Delhi . . .	Capital	7,50,00,000	..	7,50,00,000
59	Industries . .	Capital	20,00,00,000	..	20,00,00,000
61	Civil Supplies and Co-operation . .	Capital	..	4,37 56,000	4,37,56,000
63	Information & Publicity	Revenue	1,000	..	1,000
66	Labour and Employment	Revenue	..	6,000	6,000
69	Ministry of Petroleum and Chemicals .	Revenue	4,73,000	..	4,73,000
77	Ports, Lighthouses and Shipping .	Revenue	7,87,87,000	..	7,87,87,000
		Capital	24,73,00,000	..	24,73,00,000

1	2		3		
No. of Vote	Services and purposes		Sums not exceeding Voted by Parliament	Charged on the Consolidated Fund	Total
			Rs.	Rs.	Rs.
78	Road and inland Water Transport . .	Capital	2,19,21,000	..	2,19,21,000
79	Department of Steel .	Capital	9,94,00,000	..	9,94,00,000
80	Department of Mines .	Revenue	1,00,000	..	1,00,000
81	Mines and Minerals .	Revenue	1,00,00,000	..	1,00,00,000
		Capital	8,10,00,000	..	8,10,00,000
83	Supplies and Disposals	Revenue	..	6,05,000	6,05,000
84	Department of Rehabilitation . . .	Revenue	..	18,000	18,000
		Capital	45,00,000	..	45,00,000
95	Atomic Energy Research, Development and Industrial Projects .	Revenue	1,65,00,000	..	1,65,00,000
		Capital	10,00,000	..	10,00,000
96	Nuclear Power Schemes	Revenue	9,00,000	..	9,00,000
		Capital	28,00,000	..	28,00,000
103	Department of Space.	Revenue	1,00,00,000	..	1,00,00,000
		Capital	1,25,00,000	..	1,25,00,000
	TOTAL .		284,65,36,000	24,43,86,000	309,09,22,000

STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of article 114(1) of the Constitution of India, read with article 115 thereof, to provide for the appropriation out of the Consolidated Fund of India of the moneys required to meet the Supplementary expenditure charged on the Consolidated Fund of India and the grants made by the Lok Sabha for expenditure of the Central Government, excluding Railways, for the financial year 1975-76.

SUSHILA ROHATGI.

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE CONSTITUTION OF INDIA

[Copy of letter No. F.5(1)-B(S&E)/76, dated the 8th January, 1976 from Shrimati Sushila Rohatgi, Deputy Minister in the Ministry of Finance to the Secretary-General, Lok Sabha.]

The President having been informed of the subject-matter of the proposed Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the year ending on the 31st day of March, 1976, recommends the introduction of the Appropriation Bill, 1976 in Lok Sabha and also recommends to Sabha the consideration of the Bill under clauses (1) and (3) of article 117 of the Constitution read with clause (2) of article 115 thereof.

2. The Bill will be introduced in Lok Sabha after all the Supplementary Demands for Grants for 1975-76 have been voted.

BILL NO. 21 OF 1976

A Bill to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31st day of March, 1974 in excess of the amounts granted for those services and for that year.

BE it enacted by Parliament in the Twenty-sixth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Appropriation (No. 2) Act, 1976.

Issue of Rs. 10,06,17,538 out of the Consolidated Fund of India to meet certain excess expenditure for the year ended on the 31st March, 1974.

2. From and out of the Consolidated Fund of India, the sums specified in column 3 of the Schedule amounting in the aggregate to the sum of ten crores, six lakhs, seventeen thousand, five hudred and thirty-eight rupees shall be deemed to have been authorised to be paid and applied to meet the amount spent for defraying the charges in respect of the services specified in column 2 of the Schedule during the financial year ended on the 31st day of March, 1974 in excess of the amounts granted for those services and for that year.

Appropriation.

3. The sums deemed to have been authorised to be paid and applied from and out of the Consolidated Fund of India under this Act shall be deemed to have been appropriated for the srevices and purposes expressed in the Schedule in relation to the financial year ended on the 31st day of March, 1974.

THE SCHEDULE

(*See* sections 2 and 3)

1	2		3		
No. of Vote	Services and purposes		Excess		
			Voted portion	Charged portion	Total
			Rs.	Rs.	Rs.
1	Department of Agriculture	Revenue	3,72,268	..	3,72,268
13	Department of Internal Trade.	Capital	23,985	..	23,985
15	Overseas Communications Service.	Capital	22,59,728	..	22,59,728
18	Capital Outlay on Posts and Telegraphs.	Capital	2,57,50,010	..	2,57,50,010
20	Defence Services—Army	Revenue	..	*1,50,532*	1,50,523
23	Defence Services—Pensions, etc.	Revenue	1,15,60,974	..	1,15,60,974
27	Department of Social Welfare . . .	Capital	..	*5,38,000*	5,38,000
33	Stamps . . .	Revenue	34,15,000	..	34,15,000
35	Currency, Coinage and Mint . . .	Capital		*41,156*	41,156
41	Ministry of Health and Family Planning.	Revenue	15,11,538	..	15,11,538
47	Cabinet . . .	Revenue	5,56,303	..	5,56,303
51	Other Expenditure of the Ministry of Home Affairs. . .	Revenue	24,55,725	..	24,55,725
53	Chandigarh . .	Revenue	2,64,591	..	2,64,591
		Capital	7,64,924	..	7,64,924
54	Andaman and Nicobar Islands. . .	Revenue	19,19,131	..	19,19,131
55	Arunachal Pradesh	Revenue	1,71,16,981	..	1,71,16,981
56	Dadra and Nagar Haveli	Revenue	8,97,995	..	8,97,995
57	Lacadive, Minicoy and Amindivi Islands .	Revenue	73,774	..	73,774
		Capital	1,70,977	..	1,70,977
62	Broadcasting .	Revenue	29,49,538	..	29,49,538
75	Ministry of Shipping and Transport .	Revenue	94,669	..	94,669
80	Department of Mines	Capital	3,292	..	3,292
85	Tourism . .	Revenue	6,04,290	..	6,04,290
87	Public Works .	Revenue	2,24,20,333	*3,29,819*	2,27,50,152
90	Atomic Energy Research and Development	Capital	38,56,741	..	38,56,741
93	Archaeology .	Revenue	5,15,264	..	5,15,264
		TOTAL	9,95,58,031	*10,59,507*	10,06,17,538

STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of article 114(1) of the Constitution of India read with article 115 thereof, to provide for the appropriation out of the Consolidated Fund of India of the moneys required to meet the expenditure incurred in excesss of the appropriations charged on the Fund and the Grants made by the Lok Sabha for expenditure of the Central Government, excluding Railways, for the financial year ended on the 31st day of March, 1974.

SUSHILA ROHATGI.

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE CONSTITUTION OF INDIA

[Copy of letter No. F.5(2)-B(S&E)/76, dated the 8th January, 1976 from Shrimati Sushila Rohatgi, Deputy Minister in the Ministry of Finance to the Secretary-General, Lok Sabha.]

The President having been informed of the subject-matter of the proposed Bill to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31st day of March, 1974, in excess of the amounts granted for the said services and for that year recommends under clauses (1) and (3) of article 117 of the Constitution, read with sub-clause (2) of article 115 thereof, the introduction of the Appropriation (No. 2) Bill, 1976, in Lok Sabha and also recommends to Lok Sabha the consideration of the Bill.

BILL NO. 20 OF 1976

A Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1975-76 *for the purposes of Railways.*

BE it enacted by Parliament in the Twenty-sixth Year of the Republic of India as follows:—

1. This Act may be called the Appropriation (Railways) Act, 1976. Short title.

2. From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of eighteen lakhs and thirty thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1975-76, in respect of the services relating to railways specified in column 2 of the Schedule. Issue of Rs. 18,30,000 out of the Consolidated Fund of India for the financial year 1975-76.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year. Appropriation.

THE SCHEDULE

(*See* sections 2 and 3)

1	2	3		
No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
5	Working Expenses—Repairs and Maintenance . .	..	7,75,000	7,75,000
6	Working Expenses—Operating Staff	..	1,36,000	1,36,000
7	Working Expenses—Operation (Fuel)	..	29,000	29,000
8	Working Expenses—Operation other than Staff and Fuel	..	5,00,000	5,00,000
9	Working Expenses—Miscellaneous Expenses	..	15,000	15,000
14	Construction of New Lines—Capital and Depreciation Reserve Fund -	..	2,10,000	2,10,000
15	Open Line Works—Capital, Depreciation Reserve Fund and Development Fund	3,000	1,62,000	1,65,000
	TOTAL .	3,000	18,27,000	18,30,000

STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of article 114(1) of the Constitution of India, read with article 115 thereof, to provide for the appropriation out of the Consolidated Fund of India of the moneys required to meet the supplementary expenditure charged on the Consolidated Fund of India and the grants made by the Lok Sabha for expenditure of the Central Government on Railways, for the financial year 1975-76.

KAMLAPATI TRIPATHI,

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE CONSTITUTION OF INDIA

[Copy of letter No. 75-B-4017, dated the 7th January, 1976 from Shri Kamlapati Tripathi, Minister of Railways to the Secretary-General, Lok Sabha.]

The President having been informed of the subject-matter of the proposed Appropriation Bill providing for the appropriation out of the Consolidated Fund of India of the moneys required to meet the expenditure charged on the Fund and the Supplementary Grants made by Lok Sabha, for 1975-76, recommends under clauses (1) and (3) of article 117 of the Constitution of India read with clause (2) of article 115 thereof, the introduction in and consideration by Lok Sabha of the Appropriation Bill.

S. L. SHAKDHER,
Secretary-General.

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